

ing to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) Flexibility in unspent homeland security grant funds

Upon request by the recipient of a grant under section 604 or 605 of this title, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) Equipment standards

If an applicant for a grant under section 604 or 605 of this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 747 of this title, the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

(Pub. L. 107–296, title XX, § 2008, as added Pub. L. 110–53, title I, § 101, Aug. 3, 2007, 121 Stat. 283; amended Pub. L. 110–412, § 2, Oct. 14, 2008, 122 Stat. 4336; Pub. L. 114–113, div. M, title VII, § 711, Dec. 18, 2015, 129 Stat. 2934; Pub. L. 114–190, title III, § 3603, July 15, 2016, 130 Stat. 665; Pub. L. 115–278, § 2(g)(7)(B), Nov. 16, 2018, 132 Stat. 4180; Pub. L. 116–260, div. U, title IX, § 904(c), Dec. 27, 2020, 134 Stat. 2302.)

Editorial Notes

REFERENCES IN TEXT

Subsection (a)(10), referred to in subsec. (b)(3)(B), was redesignated subsec. (a)(11) by Pub. L. 114–190, title III, § 3603(1), July 15, 2016, 130 Stat. 665.

Section 3 of the DOTGOV Online Trust in Government Act of 2020, referred to in subsec. (a)(14), probably means section 903 of title IX of div. U of Pub. L. 116–260, which defines “online service” and is set out as a note under section 665 of this title.

The Fair Labor Standards Act of 1938, referred to in subsec. (d)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

2020—Subsec. (a)(14), (15). Pub. L. 116–260 added par. (14) and redesignated former par. (14) as (15).

2018—Subsec. (a)(3). Pub. L. 115–278 substituted “section 664(a)(2) of this title” for “section 124(a)(2) of this title”.

2016—Subsec. (a)(9) to (14). Pub. L. 114–190 added par. (9) and redesignated former pars. (9) to (13) as (10) to (14), respectively.

2015—Subsec. (a). Pub. L. 114–113 inserted “including by working in conjunction with a National Laboratory (as defined in section 15801(3) of title 42),” after “plans,” in introductory provisions.

2008—Subsec. (a). Pub. L. 110–412, § 2(1)(A), substituted “The Administrator shall permit the recipient of a grant under section 604 or 605 of this title to use grant funds” for “Grants awarded under section 604 or 605 of this title may be used” in introductory provisions.

Subsec. (a)(10). Pub. L. 110–412, § 2(1)(B), inserted “, regardless of whether such analysts are current or

new full-time employees or contract employees” after “analysts”.

Subsec. (b)(3) to (5). Pub. L. 110–412, § 2(2), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

§ 609a. Nonprofit Security Grant Program

(a) Establishment

There is established in the Department a program to be known as the “Nonprofit Security Grant Program” (in this section referred to as the “Program”). Under the Program, the Secretary, acting through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.

(b) Eligible recipients

Eligible nonprofit organizations described in this¹ subsection (a) are organizations that are—

(1) described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title; and

(2) determined to be at risk of a terrorist attack by the Administrator.

(c) Permitted uses

The recipient of a grant under this section may use such grant for any of the following uses:

(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

(3) Any other appropriate activity, including cybersecurity resilience activities, as determined by the Administrator.

(d) Period of performance

The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

(e) Report

The Administrator shall annually for each of fiscal years 2020 through 2024 submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure by each grant recipient of grant funds made under this section.

(f) Authorization of Appropriations

(1) In general

There is authorized to be appropriated \$75 million for each of fiscal years 2020 through 2024 to carry out this section.

(2) Specification

Of the amounts authorized to be appropriated pursuant to paragraph (1)—

(A) \$50 million is authorized for eligible recipients located in jurisdictions that receive funding under section 604 of this title; and

¹ So in original. The word “this” probably should not appear.

(B) \$25 million is authorized for eligible recipients in jurisdictions not receiving funding under section 604 of this title.

(Pub. L. 107–296, title XX, § 2009, as added Pub. L. 116–108, § 2(a), Jan. 24, 2020, 133 Stat. 3294.)

PART B—GRANTS ADMINISTRATION

§ 611. Administration and coordination

(a) Regional coordination

The Administrator shall ensure that—

(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

(b) Planning committees

(1) In general

Any State or high-risk urban area receiving a grant under section 604 or 605 of this title shall establish a State planning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections.

(2) Composition

(A) In general

The State planning committees and urban area working groups referred to in paragraph (1) shall include at least one representative from each of the following significant stakeholders:

- (i) Local or tribal government officials.
- (ii) Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers.
- (iii) Public health officials and other appropriate medical practitioners.
- (iv) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.
- (v) State and regional interoperable communications coordinators, as appropriate.

(vi) State and major urban area fusion centers, as appropriate.

(B) Geographic representation

The members of the State planning committee or urban area working group, as the case may be, shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

(3) Existing planning committees

Nothing in this subsection may be construed to require that any State or high-risk urban area create a State planning committee or urban area working group, as the case may be, if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

(c) Sense of Congress

It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;

(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

(Pub. L. 107–296, title XX, § 2021, as added Pub. L. 110–53, title I, § 101, Aug. 3, 2007, 121 Stat. 285; amended Pub. L. 114–328, div. A, title XIX, § 1911, Dec. 23, 2016, 130 Stat. 2682; Pub. L. 115–278, § 2(g)(7)(C), Nov. 16, 2018, 132 Stat. 4180.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143. Section 203 of the Act is classified to section 5133 of Title 42, The Public Health and Welfare. Titles IV and V of the Act are classified generally to subchapters IV (§ 5170 et seq.) and IV–A (§ 5191 et seq.), respectively, of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (c)(2), is Pub. L. 110–53, Aug. 3, 2007, 121 Stat. 266. Title I of the Act enacted this subchapter and amended sections 318, 321a, 594, 596, and 752 of this title. Title II of the Act amended section 762 of this title and section 5196c of Title 42, The Public Health and Welfare. For complete classification of titles I and II to the Code, see Tables.